

Senate Study Bill 1186

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the applicability of statute of limitations
2 tolling provisions relating to minors and persons with mental
3 illness and providing an applicability date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1775SC 82
6 rh/je/5

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1 1 Section 1. Section 216.15, subsection 12, Code 2007, is
1 2 amended to read as follows:
1 3 12. ~~Except as provided in section 614.8, a claim under~~
1 4 this chapter shall not be maintained unless a complaint is
1 5 filed with the commission within one hundred eighty days after
1 6 the alleged discriminatory or unfair practice occurred.

1 7 Sec. 2. Section 614.8, Code 2007, is amended to read as
1 8 follows:

1 9 614.8 MINORS AND PERSONS WITH MENTAL ILLNESS.

1 10 1. The times limited for actions in this chapter, ~~or~~
1 11 ~~chapter 216, 669, or 670,~~ except those brought for penalties
1 12 and forfeitures, are extended in favor of persons with mental
1 13 illness, so that they shall have one year from and after the
1 14 termination of the disability within which to commence an
1 15 action.

1 16 2. Except as provided in section 614.1, subsection 9, the
1 17 times limited for actions in this chapter, ~~or chapter 216,~~
1 18 ~~669, or 670,~~ except those brought for penalties and
1 19 forfeitures, are extended in favor of minors, so that they
1 20 shall have one year from and after attainment of majority
1 21 within which to commence an action.

1 22 Sec. 3. Section 669.13, subsection 1, Code 2007, is
1 23 amended to read as follows:

1 24 1. ~~Except as provided in section 614.8, a claim or suit~~
1 25 otherwise permitted under this chapter shall be forever
1 26 barred, unless within two years after the claim accrued, the
1 27 claim is made in writing and filed with the director of the
1 28 department of management under this chapter. The time to
1 29 begin a suit under this chapter shall be extended for a period
1 30 of six months from the date of mailing of notice to the
1 31 claimant by the attorney general as to the final disposition
1 32 of the claim or from the date of withdrawal of the claim under
1 33 section 669.5, if the time to begin suit would otherwise
1 34 expire before the end of the period.

1 35 Sec. 4. Section 670.5, Code 2007, is amended to read as
2 1 follows:

2 2 670.5 LIMITATION OF ACTIONS.

2 3 ~~Every~~ ~~Except as provided in section 614.8, a person who~~
2 4 claims damages from any municipality or any officer, employee
2 5 or agent of a municipality for or on account of any wrongful
2 6 death, loss or injury within the scope of section 670.2 or
2 7 section 670.8 or under common law shall commence an action
2 8 therefor within six months, unless said person shall cause to
2 9 be presented to the governing body of the municipality within
2 10 sixty days after the alleged wrongful death, loss or injury a
2 11 written notice stating the time, place, and circumstances
2 12 thereof and the amount of compensation or other relief
2 13 demanded. Failure to state time or place or circumstances or
2 14 the amount of compensation or other relief demanded shall not
2 15 invalidate the notice; providing, the claimant shall furnish
2 16 full information within fifteen days after demand by the
2 17 municipality. No action therefor shall be maintained unless

2 18 such notice has been given and unless the action is commenced
2 19 within two years after such notice. The time for giving such
2 20 notice shall include a reasonable length of time, not to
2 21 exceed ninety days, during which the person injured is
2 22 incapacitated by the injury from giving such notice.
2 23 Sec. 5. APPLICABILITY. This Act applies to all
2 24 complaints, claims, and actions made or filed on or after July
2 25 1, 2007.

2 26 EXPLANATION

2 27 Current law provides that the applicable statute of
2 28 limitation periods in which a lawsuit may be filed pursuant to
2 29 Code chapter 614 are subject to the tolling provisions
2 30 relating to minors and persons with mental illness contained
2 31 in Code section 614.8. That section provides that if a person
2 32 was a minor at the time the injury occurred, the person has
2 33 one year after attaining the age of majority (18) to file an
2 34 action. Similarly, if a person had a mental illness at the
2 35 time the injury occurred, the person has until one year after
3 1 the termination of the mental illness to file an action. A
3 2 tolling provision in the law stops the applicable statute of
3 3 limitation running for a specified period of time.

3 4 The bill extends the tolling provisions relating to minors
3 5 and persons with mental illness to complaints and actions
3 6 filed in certain civil rights cases including discriminatory
3 7 and unfair employment, housing, education, credit, and
3 8 accommodation cases, and to claims and actions filed against
3 9 the state and against a city, county, township, school
3 10 district, or any other unit of local government except a soil
3 11 and water conservation district.

3 12 The bill applies to all complaints, claims, and actions
3 13 filed on or after July 1, 2007.

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